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Who was the First Governor of Massachusetts?

By
Joseph B. Felt

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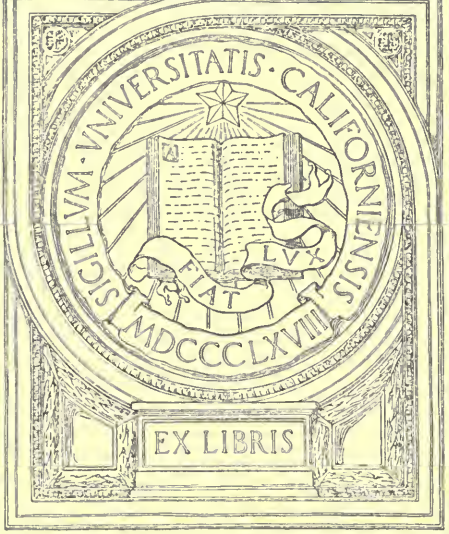

WHO

WAS THE

FIRST GOVERNOR

OF

MASSACHUSETTS?

BY JOSEPH B. FELT.

Veritatis simplex oratio est.—SENECA.

Shall truth fail to keep her word,
Justice divine not hasten to be just?
MILTON.

BOSTON:
PRESS OF T. R. MARVIN, 42 CONGRESS STREET.
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WHO WAS THE FIRST GOVERNOR

OF

MASSACHUSETTS?

To differ in opinion, on this or other topics of inquiry, especially with those noted for their talents and acquirements, is always attended with unpleasant associations and feelings. Still it is the lot of human imperfection, and unavoidable in the discussion of sentiments and opinions honestly entertained.

The occasion of the question just submitted is a note recently published by the Hon. James Savage, in his second edition of Winthrop's Journal. This note is printed on pages 200 to 203 inclusive, of the second volume. It contains an argument against some remarks in the first volume of the Annals of Salem, which advocate the position that Endicott preceded Winthrop as the proper Governor of this Commonwealth. It advances and debates two prominent ideas, which, as the writer thinks, call for examination. One is, that the comparison between the source of Carver's trust as chief magistrate of Plymouth Colony, and that of Endicott's, is incorrect. Another, that because the latter person held office under those of the Company of Massachusetts, who resided in England, he was, therefore, no Governor, in 1629, in the right acceptation of the word.

We will endeavor to take a fair view of these two subjects, in the order already presented.

With regard to the comparison, the maker of it intended by it neither more nor less, than relative authority for offices, designated by the like names. His language was: "The rule,

which required John Carver to be accounted Governor of Plymouth, gives Mr. Endicott similar precedency to Mr. Winthrop." That we may perceive more fully the force of this remark, we will glance at the newly arrived Pilgrims on the coast, which they concluded to adopt as their refuge from the trials of the Old World. They had no more authority for their plantation, government and protection, than the Patent, received from the Company of North and South Virginia, by John Wincob in his own name, who, to their deep regret, was unable to take passage with them. The main cause of their having no better warrant to occupy territory on our shores, was the opposition of the King and his prominent supporters, to the encouragement of dissenters in any part of his dominions. Such a document was no more available for their purposes, than the subsequent one, taken out by John Pierce, and termed a "Deed Pole," from the Company of New England, and sold by him, at an exorbitant advance, to the adventurers for the Colony, in 1623, after he had unsuccessfully striven to hold the settlers here as tenants at his will. It was of less force and worth than the Patent, obtained from the same authorities, in 1630, which the rulers of Plymouth Plantation considered—as is plain from their several earnest petitions to the throne, until the Usurpation—as not near so valuable for securing their privileges, as the Charter of our Commonwealth, under the directions of which Endicott was elected Governor in 1629.

The intimation, that the contract, signed by Carver and his associates, was sufficient to endow him with the full honor and responsibilities of a chief magistrate, while the instrument, which authorized Endicott to sustain a similar relation to the people with him, could not place him upon an equal footing with the former, may be judged of by the conduct of the Pilgrims themselves. The anxious and protracted efforts, which they made before their embarkation from Leyden, to obtain even their first Patent, materially defective as it was, shows how very reluctant they were to be compelled, when arrived at their new abode in America, to adopt the last resort of self-constituted government. It is evident to me, that they would have much preferred, that Carver should be placed over them by authority of their own Company, like that which promoted Endicott, than by that which they were forced to

create through absolute, unsought and unwelcome necessity. Besides, Carver was no less dependent on the will of the immigrants, who placed him at the head of their affairs, than Endicott was on that of his fellow members of the Corporation, who voted that the supreme care of their colony should be committed to him.

In view of these considerations, is there any inaccuracy in the foregoing quotation? The meaning of it is plainly, that if Carver's forty associates chose him for their head, without constitutional power from any charter from the Crown, or without any Patent, in the general name of their Company, from the Corporation of North and South Virginia, and he might, under such circumstances be rightfully entitled Governor in advance of Bradford,—there is full as much propriety, to say the least, that Endicott, chosen by freemen or members of the Massachusetts Company, among whom he held a prominent stand, assembled in General Court, in London, and under royal sanction, to be their Governor of this Commonwealth,—should be alike entitled precedently to Winthrop. It seems to me incapable of candid and true contradiction, that the comparison was and is pertinent and correct in its application, and that both cases, considered as to the sources whence the power of governing was derived, are the same in a corporate kind, though diverse in degree, and that it is much more in favor of Endicott than of Carver, though I believe that the latter may justly hold his rank as the first and chief ruler of the Pilgrims.

We will next consider the position, that because Endicott was appointed chief magistrate for our colony, by members of the Company, convened in London, in 1629, still this constituted him no Governor in the true acceptation of the term.

For an intelligent settlement of this point, much depends on the right interpretation of the word denoting such an officer of state. A few late writers have had printed in their works the very expressions of the General Court in England, which inform us in the most direct and plainest style, that they elected Endicott as their colonial Governor; and at the same time these authors, while denying that he fully sustained such a relation, have utterly omitted to tell their readers what meaning they attach to their negation. They cannot justly complain

if those who trace their course suppose that the paramount reason why they have gone thus far, and then failed to guide inquirers further, as they were bound to do, is that they could not proceed with satisfaction to themselves, and much less to those who are convinced that their whole direction, so far as away from the plain landmark set up by the phraseology of the court, just referred to, is totally unauthorized. The general drift of their remarks that Governor, in reference to Endicott, means something lower than the standing of such an officer, who is allowed his full rank, and there leaving the mind which desires to ascertain the proportion and particulars of such deduction in utter darkness, may lead to bewilder, but is far from being acceptable to every person who would know the whole truth.

It would afford much pleasure to the writer, could he perceive that the position of Mr. Savage, under this head, was entirely free from the deficiency just mentioned. After adducing several passages from the charter, to show that Endicott held his trust from the Company at home, he quotes as follows, from the same document: "The authority, office and power, before given to the former governor, deputy, etc., in whose stead or place *new* shall be so chosen, shall, as to him and them, and every of them, cease and determine." These words, as they evidently appear to me, have an immediate application to the succession of the Company's officers in England, and the consequent surrender of their respective trusts. I do not understand that they have any direct bearing upon colonial officers. Mr. Savage places the subsequent phrase, directly after the close of them, "These last words settle the business." If such a settlement mean, which is what I comprehend by it, that Endicott was Governor here in 1629, by election of the company in London, and thus *subordinate* to them, it entirely harmonizes with my own views, and I do not recollect ever having heard it denied.

It is true of him, and of all regular Governors. None of them can or ever could assert, that they do not or did not possess their power subordinately, in a greater or less degree, according to its origin. Were it a fact, that on account of such subordinacy no man chosen under it ever was or ever could be a proper Governor, the issue of the present instance would be

closed; the matter would be settled, and to raise any query about it, would be indeed "an idle question." But the truth in the premises assumes, to my apprehension, a very different aspect.

The subordinacy under consideration may be corporate, regal or popular. Of course there is no need for us to observe, except to meet objections occasionally thrown, as dust, into our eyes, so that we may not see our way clearly, that the term denoting such chief magistrate, does not signify a tutor, as Locke used it in his treatise on education, nor pilot of a ship, as the Apostle James applied it, nor president of a bank, nor superintendent of a hospital, etc., as not unfrequently used in the parlance of England. The definition of Governor, as exemplified and verified in the history of our country, may be learned from its several administrations of government. While different sections of it were owned and controlled by companies in Europe, and afterwards to some extent in this land, they exercised a corporate power in the choice of their Governors for their respective colonies. When these came under provincial rule, the Kings of England appointed such officers at their own pleasure. When they were made independent of the crown, the people elected these magistrates. All these elections were made on principles, as laid down in patents, charters and constitutions. Here we have a practical idea of what Governors have been in different periods of our country; an explanation which shows that they were delegated to rule over their respective States, according to established principles, by the companies, sovereigns and people who appointed them. No well informed historian undertakes to assert that the primitive Governors of New Netherland, subsequently New York, were not properly so because they were strictly subordinate to the States General, and then to the West India Company in Holland; or that the like Governors or Presidents of Virginia were not really and completely such officers, because they derived their station from the company who owned their portion of English America. We might select no small number of other parallel instances to confirm our position. The two especially cited are well known;—to the point, and sufficient for our purpose.

But here we ask, is it true that Endicott was not fully Gov-

ernor in 1629, because so entitled and empowered by members of the Company in London? If so, we are reduced to the necessity of disallowing the representations of our hitherto credible historians, who describe the administrations of the Dutch and Virginia Governors just referred to, as rightfully so denominated; we must change our impressions, and while we speak of them as Governors, we must entertain a mental reservation which degrades them below the level indicated by their title, and assigns to them an uncertain grade which no language has yet, to the knowledge of the writer, intelligently, satisfactorily and truly defined. We are, therefore, constrained to grant, that the doctrine of subordinacy, as here set forth, tends to an absurdity; proves far too much, and consequently should be rejected as unsound, unsafe, and introducing confusion into the records of our history. Of course, a doctrine of such a cast and character should never be applied to Endicott, and thus strip him of the honor of being the first Governor of the territory and population of our Commonwealth.

There are several particulars which bear on this subject and call for our attention at the present stage.

To sink Endicott from the head of the list of our chief magistrates, because of subordinacy, seems to imply that there was some essential difference, with reference to him and Winthrop, in the mode of their election and in the principles of their administration. But was there in reality? No; Endicott was chosen by freemen of the Company in London. So was Winthrop; and after the latter came hither, he was rechosen by freemen of the same corporation, who dwelt here, and was, in every respect, as much subordinate to them, separately viewed on both sides of the Atlantic, as ever Endicott was.

How was it as to principles of administration? Endicott, for 1629, had in his hands, as the basis of his action, the charter, designated in its words, "Letters patent, or the duplicate or exemplification thereof," with the royal seal. It is true that Mr. Savage remarks concerning him, on the 30th page of his late first volume—"He had a commission from the Company to act as Governor, which was, of course superseded by the arrival of Winthrop with the charter." Some readers may construe this to intimate that Endicott did not have the charter for his direction. As a caveat against such a mistake,

they will bear in mind that he did have it, not varying one jot or tittle from the one brought over by his successor, as to all its requisites for the colonial legislation, which shows, without any just contradiction, that the principles of government were the same for both of them. Hence, as the cause instanced in the outset of this paragraph has no foundation, its effect cannot be equitably allowed.

The statement made by Mr. Savage, that he never saw any sufficient evidence of Endicott's exercising the duties of Governor in a regular Court is, as it seems to me, no conclusive argument that he did thus come short of his assigned service. It would indeed have been a phenomenon in political economy, had not various cases come before him, which in a colony of three years' continuance, demanded the collective deliberation, decision and execution of himself and associates in government. The letters of Cradock to him show that he had no lack of such business to perform, and his well known reputation for promptness, activity and faithfulness, are a guarantee that he did not suffer it to be neglected. The natural inference which most minds would make relative to absence of positive proof, if there were none, that Endicott and his Court did not omit legislation altogether, would be, that the records of it were lost, as those of Salem, then the capital, were for several years, relative to its primitive municipal transactions.

That Endicott did hold a General Court there, is indicated, to my apprehension, by Morton of Mount Wollaston, who describes, in his new English Canaan, being present in such an assembly. The account which this narrator gives, how a force was sent to seize him and his effects, because he, in the exhibition of his staunch attachment to the national church, refused obedience to the charter authorities, is competent evidence that they were no drones; that they were vigilant watchmen of the Commonwealth, and adopted all needed measures in their sessions for the regular management of colonial affairs.

Further, the serious occurrence which involved the banishment of the Brownes, would naturally summon the majority of the rulers together, demand and receive their anxious consideration and final decision. Had they failed so to do, there is a moral certainty that the correspondence of the London

Court, which ensued, would have charged them with a gross violation of their important trusts, which it did not.

Here we meet the assertion of Mr. Savage, previously intimated. It follows: "Nor is there a scrap of any record of proceedings ever had under his authority." As a necessary indication that there was such a record, we have the subsequent information. It is found in the Massachusetts Historical Society's Collections, 3 s., 9 v., 257 p. It is an extract from a letter of John Howes, in London, 1633, bearing on the devices and exertions already commenced at St. James' for the overthrow of our civil and religious institutions. It is, that about twenty-two of Endicott's laws were recently laid before the Lords. These acts, as we have reason to conclude, were selected by foes to our Plantation from a code which contained not a few more applicable to the wants and relations of the inhabitants, and not construed as opposed to the laws of the mother country. They are the strongest proof that Endicott and others, of a regularly constituted legislature, however small, did come up to the requisitions for which they were appointed by the Company in London. They thus exemplified the power bestowed upon them expressly by the charter, "to correct, punish, govern and rule all the king's subjects" within the compass of their jurisdiction. Of course the mistake, which represents them in a very different attitude, so that they should be looked on as a body of little or no consequence, and thus their Governor be degraded like themselves, rests on mere fiction and not fact. It ought not, and wherever truth is allowed its legitmate sway, will not press him down from his right position.

Should the administration of Endicott be disparaged, and consequently his standing, as its chief magistrate, meet with similar fare, because the number of his assistants was not large? To answer this question as it should be, we must not look at it singly and separately from all others. It is true that the Browne's were sent home. But there remained for Endicott's assistants, Higginson, Skelton, Bright, Graves, Sharp, and most probably the three more whom they were authorized to choose, if not the two additional ones whom the old planters, as Conant and his associates, were privileged to elect. In such an emergency, it is not at all likely that men like the three first, just

named, would despond and neglect to avail themselves of their right to supply deficient members, strengthen their hands, and thus support their cause.

From these points we look to Plymouth Colony. We hear, we perceive not even the whisper of a suspicion, but that the rule of Carver was such as to secure his appropriate rank, though he had no assistant; but that Bradford, his immediate successor was alike entitled, though he had only one assistant to 1624, and then only five, and was himself an assistant to Robert Gorges, the Governor-General of New England. From this view, we turn to Massachusetts. Who doubts that the administration of Winthrop was sufficient to afford a similar distinction to him, though he had only seven assistants, besides himself and deputy, in August, 1630, and in the same year an order was made, that a major part of less than nine assistants might hold a court and perform its appropriate business? It must be confessed that then, of necessity, was a day of small things. But the diminutiveness of the age should not be laid to the account of one so as to strip him of his merited honor, while it is not so much as named of others, to whom, in all equity, it should be alike applied. Let not prejudice hold us back from dealing with an even hand.

The proceedings and language of the General Court, or freemen of the Company, convened in London, apply to the question before us.

In 1629, about February, they provide for transmitting to Endicott the charter having the royal seal, and also their own seal. These he received in due time. April 30. The Court vote that the authorities of the Colony shall be styled the "Governor and Council of London's Plantation in the Massachusetts Bay." They then elect Endicott to be the said Governor, and most of the Council, and give instructions how the other members of it shall be chosen here. In defining his powers, they express themselves as follows, as entered on their own records: "And the said Governor at his discretion, or in his absence the deputy, is hereby authorized to appoint, as oft as there shall be occasion, and shall have full power and authority, and is hereby authorized from his Letters Patent, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances and instructions, not contrary

to the laws of the realm of England, for the present government of our Plantation and the inhabitants residing within the limits of this our Plantation." They order a transcript of this to be forwarded to Endicott. On the same day they empower him and his Council to choose a Secretary, and "such other subordinate officers to attend them at their Courts." May 7. They agree on the forms of oaths for the Governor, Deputy and Council of the Colony. That for the first of these officers, they denominate "the oath of the Governor in New England." The duties it required of him, it required of all his successors, as upon an equal footing in respect to rank. 29. As the head of the General Court in England, Cradock addresses a letter to him with the superscription, "Captain Jo: Endicott, Esquire, Governor."

Their subsequent records frequently gave him the last title. In a review of all they said and did, so far as it has come down to us, there is not a shade of thought or expression, as it seems to me, which should lead any mind to infer, but that while they were legislating about him, appointing, addressing and styling him Governor, they seriously and sincerely meant to apply the title to him in the highest colonial and fullest sense. It would be wronging them as conscientious men, who were ready to make great sacrifices for the founding of a religious commonwealth on our soil, to suspect or imply that they purposed to use the term in a double or vague sense, or in any form or degree diverse from its proper signification.

To avoid any imputation of this kind, we must allow that the Company, from the spirit and letter of their charter, records and correspondence, did purpose to have a legitimate Governor, in the person of Endicott, on the premises of their Plantation, even while they exercised authority at home for the regulation of their trade, and the delegation of suitable legislative powers to such an officer and his associates.

What does the succession of Winthrop to Cradock, imply? To arrive at a true answer to this question, let us deal with facts. Such an official investment had all its vital properties laid down in the Charter, which made the sphere of its immediate operation within the jurisdiction of Old England. There it was allowed to give legal direction to the affairs of the Company. It was endowed with no inward or outward quality

whereby it might leave the place assigned for its exercise, and take up its abode in another land, and still be essentially as it had been at its commencement. The Charter made England as requisite for the continuance of such investment, as it did that a competent number of the Company's officers should reside there while it was in existence. This investment had nought to do with leaving the mother country, crossing the ocean, landing on our soil, entering the Courts of our rulers and causing them to cease as though they had never been. No. In the whole length and breadth of the Charter, we discover no liberties of this sort. That document declares the duties of the Company's officers, who were in England, and, also, those of their officers in America. As to their respective and special services, it set up a wall of separation between them, saying, as it were, to one class of them, here is your allotment, and to the other, there is yours. It holds forth not even the shadow of a license for any of the former, provided they should, by change of abode, become legislatively connected with the latter, to push them aside and assume their civil distinctions to themselves, simply for what they had been in a distant quarter of the world. So it is alike non-committed in the other direction.

With his authority so bounded, we perceive nothing in the several communications of Cradock, that he was, in the least degree, dissatisfied because he was not styled the first Governor of the Colony as well as first Governor of the Company in England. He evidently would have felt that an attempt to foist on him such a double capacity was not only unjust to Endicott, but also a palpable violation of the charter, as well as contrary to the common usage of Corporations like the one he served. Winthrop, no less susceptible of generous emotions, must have known that, by a mere succession to Cradock, he could be endowed with no more honor or power than so worthy a predecessor realized. He must have perceived that when the Arbella spread her sails to the breeze, and bore him and his friends towards America, that he had ceased to be the head of the Company in England, and was to be only head of such of them as should have their domicile in the Colony, and thus to be no more nor less than the successor of Endicott, in the full sense of a bona fide, charter Governor, without any let or

hindrance of hypercritical distinctions, never known in their day of peril and toil for the Commonwealth.

What did the Court in London mean, when, on the 29th of August, 1629, as proposed for deliberation the preceding month, they voted, "that the Government and Patent should be settled in New England," though not finally decided upon till several weeks afterwards, because of serious constitutional objections? By a misconstruction of the phrase, here quoted, not a few persons, as it seems to me, have been led to adopt erroneous conclusions. They have supposed that it involved the necessity of making some extraordinary change in the colonial polity, and of conferring on its administrators here a correspondent elevation. But their misapprehension may be corrected by a candid examination of the mode in which the movement was executed. The practical operation of a theory affords far better instruction as to its nature, than many speculations about it, however imaginative and ingenious.

The settling of the government here was substantially the omission to have its agents chosen by the members of the Company in Old England, and the like act performed by those of the same corporation in New England. It secured to Winthrop no greater power than it had already conferred on Endicott. It raised the former not a single line higher above the colonists, than it had the latter. It dealt with both on the same Charter principles, and imparted to them equal rank and honor.

Here it may be well to remark, that such an exchange of elective locations involved the nullification of the government as it existed under Cradock, and as required to be continued by the Charter. The following entry on our General Court records, of September 3, 1634, denotes an exception:

"It is ordered, that there shall be letters written to these gentlemen, here under mentioned and signed by the Court of Assistants, viz: Messrs. George Harwood, John Revell, Thomas Andrews, Richard Andrews, Francis Kirby, Francis Webb, George Foxcroft, and Robert Reave, to entreat them to make choice of a man amongst themselves to be Treasurer for a year for this Plantation, as also to give them power to receive an account of Mr. Harwood, now Treasurer, as also to give the said Mr. Harwood a full discharge." Here is indication, that

members of the Massachusetts Company, who resided in England, were so far a government of trade, remaining there and connected with the Colony, as proposed in 1629, as to have a Treasurer for their funds, who was about to resign and another to take his place. How much this may subtract from the amount of confidence, entertained by some, that the whole administration as in being under Cradock, was moved over with Winthrop, and thereby swept away Endicott's governorship, though a strange conclusion to my mind, they can judge for themselves. It may not be amiss to add here, that if such confidence were well founded, and on account of being at the head of the Company in London, any man should be denominated the first chief magistrate of Massachusetts, that man is Matthew Cradock, and no other.

At this point, the query meets us, what is signified by settling the Patent in New England? It is essentially the same as settling the government here. This was the creature of that, and derived all its civil and religious polity from it, and the very body which it assumed, and the very spirit through which it existed, moved and acted. The establishment of the government on our shores necessarily involved the like action with reference to the Charter. This action implies, of course, what really occurred in its premises. One of two transcripts of that document, as well known, was used for the control of the Corporation, while they existed in England; but it ceased to be needed there, when they closed their organization and was brought to our country. Another transcript of it had, as before noted, been previously sent to Endicott as the guarantee for his colonial administration, and still remains in the place where its privileges were exercised. When he was succeeded by Winthrop, only one of these transcripts was needed, and that has been long deposited among the State archives. In such a manner was the Patent or Charter settled upon our soil, so as to have no further legislative connection with its proprietors, who dwelt in England.

It is well known, that this transaction, so far as laying aside the government of the Corporation in that Kingdom, has been long represented by some as a fundamental violation of the Charter. Charles the I. and the Council for New England, took this stand. The Royal Council, under the date of June 19,

1679, write to the Rulers of Massachusetts: "Since the Charter by its frame and constitution was originally to be executed in this kingdom, and not in New England, otherwise than by deputation (as is accordingly practiced in all other charters of like nature), 'tis not possible to establish that perfect settlement we so much desire, until these things are better understood." Among the civilians, who have maintained the same ground, was the late Judge, Joseph Story. The history of Hutchinson says: "It is evident from the Charter, that the original design of it was to constitute a corporation in England, like to that of the East India and other great companies, with powers to settle plantations within the limits of the territory, under such forms of government and magistracy, as should be fit and necessary." While such objectors so held their opinion, they uttered no doubt but that the Company did elect, in London, a competent and proper Governor for their Colony, in the person of Endicott.

We may learn from the foregoing observations, that the principal addition to the General Court of the Plantation, by establishing the government and patent here, was the choice of its chief magistrate, instead of having him appointed by similar authority in England. But location, all other things being equal, makes no essential difference in the grade of an officer. Washington would have been as much President of our Republic had he been chosen in Boston as anywhere else, provided the Constitution allowed the practice. Endicott therefore should, by no mistaken construction, suffer loss in his rank, by being elected by members of the Company in London instead of Massachusetts. We feel assured, that Winthrop saw nothing in the settlement of the government and charter on our soil, which could justify him in attempting to exclude Endicott from being his constitutional predecessor in office. No, the enlightened mind, the truthful conscience, and the noble heart of Winthrop would have shrunk from such a trick of political management.

How do various historians represent the office of Endicott prior to Winthrop's arrival? Josselyn, Johnson and Morton speak of the former, as being governor in 1629, without the least qualification, as if he were in any form or degree, of any lower grade than the latter. Prince, in his New England,

relates the proceedings of the Company in London in conferring a name upon their Colony. He then says, that they "elect Mr. Endicott Governor," and four times in immediate succession, in the same paragraph, he applies the like title to him in connection with the transactions of such a body. Prince, who was quick to detect small as well as great errors, and particular to state them, evidently had no misgivings as to the common sense meaning of Governor, assigned to Endicott; had no doubt but that he might most accurately and unreservedly apply to him the title, without being justly charged with the least particle of misrepresentation. Hutchinson, while narrating the Company's course of business, in the same year, says: "The names of all the adventurers and the sums subscribed, were sent over to Mr. Endicott, who was appointed their Governor in the Plantation." A man, like Hutchinson, would never have made this statement, had he the least suspicion that it contained a contradiction; that it could be, in some anomalous and strange manner, construed to mean the Governor of a Colony or State, and, at the same instant and in the same relation, mean no such officer, but an uncertain, undefined something, without notifying his readers of such a perplexed and distorted use of the English tongue. It comes to my recollection, distinctly, that a highly distinguished literary gentleman, who had great confidence in Hutchinson's talents, intelligence and correctness, while contending that Winthrop was the first Governor of our Commonwealth, appealed to that author with evident assurance, that he would support his position, but was greatly disappointed when he saw that his words contradicted his theory. And so I believe will many a man, who has not already committed himself in an opposite direction, and who consults their statements, without any previous bias, be conscious, that Hutchinson and Prince meant to be understood, that they had no doubts but that Endicott was in 1629 a true, constitutional and proper Governor of Massachusetts, as much as Winthrop or any of his successors ever were under the colonial charter, and consequently and righteously accounted the first on the list of such magistrates in our Commonwealth.

"Fiat justitia, ruat cœlum."

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